

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Cancellation of the Certificate)
of Service Authority of Cinemark USA, Inc., to)
Provide Private Pay Telephone Service Within) **File No. PD-2013-**_____
the State of Missouri)

MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY

COMES NOW Staff of the Missouri Public Service Commission ("Staff"), by and through the undersigned counsel, and moves for the Missouri Public Service Commission ("Commission") to cancel the certificate of service authority of Cinemark USA, Inc. ("Cinemark"). For its Motion, Staff respectfully states as follows:

1. On April 6, 1999, the Commission granted a certificate of service authority to Cinemark to provide private pay telephone service in the State of Missouri via customer-owned pay telephone equipment in Case No. TA-99-384.

2. On April 8, 2013, the Commission received a ceasing operation statement from Cinemark that stated "Please revoke our authority for payphone service in the state of Missouri. We no longer have any pay phones or collect any revenue." (See BCES-2013-1361).

3. Because Cinemark requested cancellation of its certificate and it is no longer providing service in Missouri, Staff recommends the Commission cancel the certificate.

4. The Commission has the authority to cancel a telecommunications certificate pursuant to Section 392.410.5, RSMo (Supp. 2010), which provides "Any certificate of service authority may be altered or modified by the commission after notice

and hearing, upon its own motion or upon application of the person or company affected.”

5. The Commission need not hold a hearing, if, after proper notice and opportunity to intervene, no party requests such a hearing. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494 (Mo. App. W.D. 1989).

6. Cinemark is current on the payment of its fiscal year assessments.

WHEREFORE, Staff recommends the Commission cancel the certificate of service authority of Cinemark USA, Inc., to provide private pay telephone service in the State of Missouri via customer-owned pay telephone equipment.

Respectfully submitted,

/s/ Jennifer Hernandez

Jennifer Hernandez
Senior Staff Counsel
Missouri Bar No. 59814
Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751- 8706 (Telephone)
(573) 751-9285 (Fax)
jennifer.hernandez@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on this 10th day of April 2013 by: First Class United States Mail, postage prepaid, to Cinemark USA, Inc., 3900 Dallas Parkway, Suite 500, Plano, TX 75093; and by electronic mail to the Office of the Public Counsel at opcservice@ded.mo.gov.

/s/ Jennifer Hernandez